

IN THE UNITED STATES DISTRICT COURT
EASTERN DIVISION OF TENNESSEE
AT KNOXVILLE

CODY HUBBARD,

Plaintiff,

vs.

DEONTE OSBY and
MEADOWLARK TRANSPORT, INC.,

Defendants.

No.

Jury Trial Demanded

COMPLAINT

1. The Plaintiff, **Cody Hubbard**, brings this civil action against the Defendants, **Deonte Osby and Meadowlark Transport, Inc.**, and files a copy of his Complaint, certified by his attorney as being true and correct for the purpose of accompanying the summons, for damages in an amount no less than Six Hundred Ninety-Five Thousand Dollars (\$695,000).

2. The Plaintiff, **Cody Hubbard**, is a citizen and resident of Jefferson County, Tennessee, residing at 759 French Mill Road, Dandridge, Tennessee 37725.

3. The Defendant, **Deonte Osby**, is a citizen and resident of Dallas County, Texas, residing at 2175 North Highway 360, Apartment 1018, Grand Prairie, Texas 75050.

4. The Defendant, **Meadowlark Transport, Inc.**, is a Montana corporation and can be served through their agent for service of process: Amanda Roth at 2913 Millennium Circle, Billings, Montana 59102.

5. Pursuant to 28 U.S.C. §1332(a), the Court has jurisdiction over the

parties and the subject matter of this cause of action. The matter in controversy exceeds, exclusive of costs of disbursements, the sum of Seventy-Five Thousand Dollars (\$75,000).

6. The Defendant, **Meadowlark Transport, Inc.**, is registered with the U. S. Department of Transportation under DOT number 467661 and MC-203425.

7. The Defendant, **Meadowlark Transport, Inc.**, is an interstate common carrier based out of Montana.

8. The provisions of 49 CFR §§ 301-399, commonly referred to as the "Federal Motor Carrier Safety Regulations" or "FMCSR" are applicable to this case and the Defendant, **Meadowlark Transport, Inc.**, was subject to and were required to obey these regulations at the time of the collision and at all relevant times prior to the collision.

9. Upon information and belief, the Defendant, **Meadowlark Transport, Inc.**, is the owner of the 2014 Freightliner trailer-trailer operated by the Defendant, **Deonte Osby**, based out of Montana.

10. Upon information and belief, at all times relevant hereto, the Defendant, **Deonte Osby** was a truck driver for the Defendant, **Meadowlark Transport, Inc.**, and was acting within the scope and course of the business of the Defendant, **Meadowlark Transport, Inc.**

11. At all times relevant hereto, the Defendant, **Meadowlark Transport, Inc.**, was acting by and through its employees/agents and is responsible for the acts of those employees and agents pursuant to *respondeat superior*, agency, negligent

entrustment, negligent hiring of an independent contractor, or similar theory of law.

12. On March 4, 2021, at approximately 4:24 p.m., the Plaintiff, **Cody Hubbard**, was driving his 2016 Dodge Dart Dodge and travelling west on Interstate 40 in Jefferson County, Tennessee.

13. Upon information and belief, the Defendant, **Deonte Osby**, was driving a 2014 Freightliner tractor-trailer owned by **Meadowlark Transport, Inc.** and traveling west on Interstate 40 in Jefferson County, Tennessee, when he failed to keep a proper lookout ahead and proper control of the tractor-trailer he was driving, and he began to change from lane #2 to lane #3 of the Interstate. The Plaintiff, **Cody Hubbard**, was in lane #3 when the Defendant, **Deonte Osby**, caused the Plaintiff to run off the right side of the roadway and into an embankment.

14. The Plaintiff, **Cody Hubbard**, brings this civil action against the Defendants, **Deonte Osby and Meadowlark Transport, Inc.**, for personal injuries and damages, medical bills and expenses which he was caused to receive on or about March 4, 2021.

15. The Plaintiff, **Cody Hubbard**, brings this civil action against the Defendants, **Deonte Osby and Meadowlark Transport, Inc.**, for injuries which he was caused to receive on or about March 4, 2021. As a result of this accident, **Cody Hubbard** has sustained serious and disabling injuries. Said injuries to the Plaintiff have resulted in permanent disability and have impaired his capacity for work, labor, business and the enjoyments and pleasures of life. As a result of these injuries, Plaintiff has incurred and shall continue to incur medical bills as well as pain and

suffering.

16. The Defendant, **Deonte Osby**, violated certain statutes which were in full force and effect in the State of Tennessee on the date of the accident:

a. The Defendant failed to obey Tennessee Traffic laws, in violation of T.C.A. §55-8-103;

b. The Defendant was negligent in violating T.C.A. §55-8-123, which said statute requires the vehicle driven by the defendant to remain in the single lane of traffic and not to be moved from such lane until the driver has first ascertained that the movement could be made with safety;

c. The Defendant was negligent in failing to exercise due care while driving in violation of T.C.A. §55-8-136;

d. The Defendant was negligent in failing to keep a proper lookout;

e. The Defendant was negligent in failing to use a degree of care and caution in the operation of the vehicle as required of a reasonable and prudent person under the same or similar circumstances existing at the time and place of the aforementioned collision;

f. The Defendant was negligent in the willful and wanton disregard for the safety of other persons and property in violation of T.C.A. §55-10-208(a);

17. The Defendant, **Deonte Osby**, had a duty to maintain the tractor-trailer to ensure the safety of citizens on the roads, interstates and highways.

18. The Defendant, **Deonte Osby**, was driving the tractor-trailer in a careless, negligent and dangerous manner.

19. The collision was caused by the negligence of the Defendants, **Deonte Osby and Meadowlark Transport, Inc.**, and the careless driving of the Defendant, **Deonte Osby**.

20. The Defendant, **Meadowlark Transport, Inc.**, was negligent in hiring and/or contracting with the Defendant, **Deonte Osby**, to drive the tractor-trailer at issue.

21. The Defendant, **Meadowlark Transport, Inc.**, was negligent in failing to teach the Defendant, **Deonte Osby**, to properly drive the tractor-trailer.

22. The Defendant, **Meadowlark Transport, Inc.**, was negligent in entrusting the Defendant, **Deonte Osby**, to drive a truck professionally.

23. The Defendant, **Meadowlark Transport, Inc.**, was negligent in retaining the Defendant, **Deonte Osby**, to drive the tractor-trailer at issue.

24. The Defendant, **Meadowlark Transport, Inc.**, had a duty to promulgate and enforce rules and regulations to ensure its drivers and vehicles were reasonably safe, and negligently failed to do so.

25. The negligence of the Defendant, **Meadowlark Transport, Inc.**, was a proximate cause of the injuries sustained by the Plaintiff, **Anthony D. Bishop**.

26. As a result of the Defendant **Meadowlark Transport, Inc.**'s negligence, the Plaintiff, **Cody Hubbard**, suffered serious injuries affecting his activities of daily living.

27. As a result of Defendant **Meadowlark Transport, Inc.**'s negligence, the Plaintiff, **Cody Hubbard**, is entitled to recover for his past, present and future pain and

suffering, past, present and future medical expenses, and past, present and future loss of income and other economic and non-economic loss.

28. The Defendant, **Meadowlark Transport, Inc.**, owned and maintained the 2014 Freightliner tractor-trailer which was being operated by the Defendant, **Deonte Osby**, at the time of the accident.

29. The violation of the aforementioned statutory and common law duties by the Defendants constitutes negligence which was a direct and proximate cause of the accident and the injuries and damages sustained by the Plaintiffs.

WHEREFORE, the Plaintiff, **Cody Hubbard**, asks for judgment against the Defendants, **Deonte Osby and Meadowlark Transport, Inc.**, in a sum of no less than Six Hundred Ninety-Five Thousand Dollars (\$695,000), and asks for a jury in the trial of this cause.

Respectfully submitted,

/s/ F. Braxton Terry

F. Braxton Terry, BPR #018248

Of Counsel:

THE TERRY LAW FIRM
116 East Main Street
P.O. Box 724
Morristown, TN 37815
423-586-5800 /Fax 423-587-4714
Email: brack@terry-lawfirm.com

THE TERRY LAW FIRM
ATTORNEYS AT LAW
116 EAST MAIN STREET
POST OFFICE BOX 724
MORRISTOWN, TENNESSEE
37815-0724